



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/826,277	04/19/2004	Jeyhan Karaoguz	1875.4890000	9921

26111 7590 03/15/2010
STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.
1100 NEW YORK AVENUE, N.W.
WASHINGTON, DC 20005

EXAMINER

HANCE, ROBERT J

ART UNIT	PAPER NUMBER
----------	--------------

2421

MAIL DATE	DELIVERY MODE
-----------	---------------

03/15/2010

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/826,277	Applicant(s) KARAOGUZ ET AL.	
	Examiner ROBERT HANCE	Art Unit 2421	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 November 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9, 11, 13-16 and 40-53 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9, 11, 13-16 and 40-53 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed 24 November 2009 have been fully considered but they are not persuasive.

Applicant argues on pages 9-10 of the Remarks that Harris does not disclose "a remote interface configured to receive a remote control signal that includes a request for an action to be performed at one of the distributed electronic devices" and "adjust the distributed electronic devices based on the action to be performed at the one of the distributed electronic devices". As noted by Applicant, Harris discloses certain "tasks" that adjust the settings of various devices. One example of a "task" is that of "Watch TELEVISION" (see Harris col. 8 line 1 - col. 9 line 12). This "task" is based on an action to be performed at one of the devices: the television. The settings of the other devices within the system (lights, stereo, CD player, etc) are adjusted based on this action. Applicant argues that because a "task" requests that multiple actions be performed, and is not a request for an action to be performed at a single device, Harris does not teach or suggest the claim limitations in question. Examiner respectfully disagrees.

Independent claims 1 and 9 disclose "... a remote control signal that **includes** a request for an action to be performed at one of the distributed electronic devices" (emphasis added), and that the distributed electronic devices are adjusted based on the action to be performed at this device. The remote control signal of Harris **includes** a request for an action to be performed at one device; it also includes requests for other actions to be

Art Unit: 2421

performed at other devices. The wording of the claims, however, do not necessitate that the remote control signal include **only** a request for an action to be performed at that single device. Therefore, the combined system of Park, Lo, and Harris teaches the limitations of the claims.

2. Applicant's arguments with respect to claims 52 and 53 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-4, 6-9, 11, 16, 40, 42-48 and 50-51 are rejected under 35 U.S.C. 103(a) as being unpatentable over Park et al., US Pub No. 2004/0148632 in view of Lo, US Pub No. 2002/0026528 and further in view of Harris et al., US Patent No. 6,784,805.

As to claim 1 Park discloses an integrated control system for providing hierarchical control of distributed home entertainment electronic devices, comprising:
a remote interface configured (Fig. 1: 100) to receive a remote control signal that includes a request for an action to be performed at one of the distributed electronic devices ([0044]-[0046]);

a device database configured to store device information for the distributed electronic devices ([0062]);

a controller configured to generate management instructions to adjust the electronic device based on the action to be performed at the one of the distributed electronic devices and the device information;

a translator configured to translate the management instructions into management messages ([0042]-[0047]; [0060]-[0063] – after receiving remote control commands, STB 100 refers to memory 160 to see how to form the command. The command is then transmitted to the device via a wired or wireless connection – see also [0157]-[0158]); and

at least one communications interface configured to transmit the management messages to the distributed electronic devices (Fig. 2: 110, 120, 130, 140; [0044]-[0048]).

Park fails to explicitly disclose that the messages are encoded based on the communication protocols supported by the distributed electronic devices.

However, in an analogous art, Lo discloses encoding messages based on the communication protocol supported by a receiving device (Fig. 2; [0026]).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the system of Park with the teachings of Lo. The rationale for this modification would have been to ensure that the commands transmitted to the appliances are encoded using a protocol that the receiving device can understand.

Art Unit: 2421

The combined system of Park and Lo fails to disclose that the controller is configured to adjust a plurality of distributed electronic devices based on the action to be performed at a single one of the devices.

However, in an analogous art, Harris discloses adjusting a plurality of distributed electronic devices based on an action to be performed at a single one of the devices (col. 7 line 28 – col. 8 line 60, especially col. 7 lines 49-59 - a user instructs a system to perform a “task” such as “Watch TV”, and the system adjusts the settings of a plurality of devices such that they reach a “desired state” associated with the task).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the system of Park and Lo with the teachings of Harris. The motivation for this modification would have been to “provide efficient and simple operation of a plurality of electronic devices as a coordinated system based upon an overall task.” (see Harris col. 2 lines 27-31).

As to claim 2 the combined system of Park, Lo and Harris disclose the integrated control system of claim 1, wherein the at least one communications interface includes a wireless interface (Park [0046]).

As to claim 3 the combined system of Park, Lo and Harris disclose the integrated control system of claim 2, wherein said the wireless interface is an IEEE 802.11 interface (Park [0158]).

As to claim 4 the combined system of Park, Lo and Harris disclose the integrated control system of claim 2, wherein said the wireless interface is a Bluetooth interface (Park [0158]).

As to claim 6 the combined system of Park, Lo and Harris disclose the integrated control system of claim 1, wherein the at least one communications interface includes a wireline interface (Park [0048]).

As to claim 7 the combined system of Park, Lo and Harris disclose the integrated control system of claim 6, wherein the at least one communications interface includes a powerline interface (Park [0049]).

As to claim 8 the combined system of Park, Lo and Harris disclose the integrated control system of claim 1, wherein the at least one communications interface includes both a wireline and a wireless interface ([0048]; Figs. 1-2).

As to claim 9 Park discloses a method for providing hierarchical control of distributed home entertainment electronic devices, comprising:

receiving a remote control signal that includes a request for an action to be performed at one of the distributed electronic device ([0044]-[0046]);

accessing gathering device information for the distributed electronic devices ([0060]-[0062]);

generating management instructions to adjust the distributed electronic device based on the action to be performed at the one of the electronic devices and the device information ([0044]-[0046]; [0060]-[0062]; [0081]-[0083]);

translating the management instructions into management messages ([0042]-[0047]; [0060]-[0063] – after receiving remote control commands, STB 100 refers to memory 160 to see how to form the command. The command is then transmitted to the device via a wired or wireless connection – see also [0157]-[0158]); and

transmitting the management messages to the distributed electronic device ([0092]).

Park fails to explicitly disclose that the messages are encoded based on the communication protocols supported by the distributed electronic devices.

However, in an analogous art, Lo discloses encoding messages based on the communication protocol supported by a receiving device (Fig. 2; [0026]).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the system of Park with the teachings of Lo. Tee rationale for this modification would have been to ensure that the commands transmitted to the appliances are encoded using a protocol that the receiving device can understand.

The combined system of Park and Lo fails to disclose that the controller is configured to adjust a plurality of distributed electronic devices based on the action to be performed at a single one of the devices.

However, in an analogous art, Harris discloses adjusting a plurality of distributed electronic devices based on an action to be performed at a single one of the devices

Art Unit: 2421

(col. 7 line 28 – col. 8 line 60, especially col. 7 lines 49-59 - a user instructs a system to perform a “task” such as “Watch TV”, and the system adjusts the settings of a plurality of devices such that they reach a “desired state” associated with the task).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the system of Park and Lo with the teachings of Harris. The motivation for this modification would have been to “provide efficient and simple operation of a plurality of electronic devices as a coordinated system based upon an overall task.” (see Harris col. 2 lines 27-31).

As to claim 11 the combined system of Park, Lo and Harris fails to disclose the method of claim 9, wherein accessing the device information includes accessing a unique identifier for a device that is used to route management messages.

However, Examiner takes official notice of the fact that accessing a unique identifier for a device that is used to route messages over a network was well known in the art at the time of the invention. For example, to communicate via a network with distributed devices, it was well known to first access the network address of the recipient device in order to properly route the message thereto.

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the combined system of Park, Lo and Harris by accessing a unique identifier for a device that is used to route management messages. The rationale for this modification would have been to ensure that the message is received by the proper device.

As to claim 16 the combined system of Park, Lo and Harris disclose the method of claim 44, wherein the wireless protocols include Bluetooth (Park [0158]).

As to claim 40 the combined system of Park, Lo and Harris disclose the method of claim 9, wherein accessing the device information includes accessing capabilities and status information for the distributed electronic devices (Park [0088] – IDs are given according to type of appliance, therefore the ID contains information regarding an appliance's capabilities: Harris col. 7 lines 49-59 – current state data (status) is accessed).

As to claim 42 the combined system of Park, Lo and Harris fail to disclose the method of claim 9, wherein accessing the device information includes accessing, for each of the distributed electronic devices, a supported communication protocol (Lo Fig. 2; [0026] – packets are translated into the protocol used by the receiving device, therefore this protocol information is accessed prior to the translation).

As to claim 43 the combined system of Park, Lo and Harris disclose the method of claim 42, further comprising:

encoding each management message based on the supported communication protocol of the distributed electronic device to which the management message is transmitted (Lo [0026]).

As to claim 44 the combined system of Park, Lo and Harris disclose the method of claim 43, wherein supported communication protocols include both wireless and wireline communication protocols (Lo Fig. 2; Park Fig. 2).

As to claim 45 the combined system of Park, Lo and Harris disclose the method of claim 9, further comprising:

prior to generating the management instructions, interpreting the remote control signal to determine the action to be performed at the distributed electronic device (Park [0093]).

As to claim 46 the combined system of Park, Lo and Harris disclose the integrated control system of claim 1, wherein the controller is configured to access the device information to generate the management instructions (Park [0060]-[0062]).

As to claim 47 the combined system of Park, Lo and Harris disclose the integrated control system of claim 46, wherein the device information includes capabilities and status information for the distributed electronic devices. (Park [0088] – IDs are given according to type of appliance, therefore the ID contains information regarding an appliance's capabilities: Harris col. 7 lines 49-59 – current state data (status) is accessed).

As to claim 48 the combined system of Park, Lo and Harris disclose the integrated control system of claim 46, wherein the device information includes routing information for the distributed electronic devices (Lo [0038]-[0039]; Fig. 6).

As to claim 50 the combined system of Park, Lo and Harris disclose the integrated control system of claim 46, wherein the device information identifies, for each of the distributed electronic devices, a supported communication protocol (Lo [0026]).

As to claim 51 the combined system of Park, Lo and Harris disclose the integrated control system of claim 50, wherein each management message is encoded based on the supported communication protocol of the distributed electronic device to which the management message is transmitted (Lo [0026]).

3. Claims 5 and 13-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Park, Lo and Harris as applied to claims 1 and 44 above, and further in view of Willes et al., US Pub No. 2005/0117052.

As to claims 5 and 13-15, while the combined system of Park, Lo and Harris disclose that communications conform to the standards in the IEEE 802.11 family and other wireless protocols (Park Paragraph 158), they do not specifically state which standards are being used.

Art Unit: 2421

However, In an analogous art, Willes et al. disclose a wireless video distribution network which employs IEEE protocols 802.11b, 802.11e and 802.15.3a (Paragraph 63).

It would have been obvious to one of ordinary skill in the art at the time of the invention to use the wireless protocols disclosed by Willes et al. in the home entertainment control system of Park, Lo and Harris. The motivation for this combination would have been to not limit the system to any one type of communication protocol (Park Paragraph 158).

4. Claims 41 and 49 are rejected under 35 U.S.C. 103(a) as being unpatentable over Park, Lo and Harris as applied to claim 9 above, and further in view of Lee, US Pub No. 2003/0227439.

As to claim 41 the combined system of Park, Lo and Harris fail to disclose the method of claim 9, wherein accessing the device information includes accessing user preferences for settings of the distributed electronic devices.

However, in an analogous art, Lee et al. disclose a similar system in which a user's preferences regarding the settings of various devices are stored in a database ([0010] and [0037]; Fig. 2a: 24; [0050]).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the combined system of Park, Lo and Harris with the teachings of Lee. The rationale for this modification would have been to allow a user to personalize

Art Unit: 2421

the "desired state" data of Harris in order to have all appliances set to his/her liking upon execution of a task.

As to claim 49 the combined system of Park, Lo and Harris fail to disclose the integrated control system of claim 46, wherein the device information includes user preferences for settings of the distributed electronic devices.

However, in an analogous art, Lee et al. disclose a similar system in which a user's preferences regarding the settings of various devices are stored in a database ([0010] and [0037]; Fig. 2a: 24; [0050]).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the combined system of Park, Lo and Harris with the teachings of Lee. The rationale for this modification would have been to allow a user to personalize the "desired state" data of Harris in order to have all appliances set to his/her liking upon execution of a task.

5. Claims 52 and 53 are rejected under 35 U.S.C. 103(a) as being unpatentable over Park, Lo, and Harris as applied to claims 1 and 9 above, and further in view of Zimmerman, US Pub No. 2003/0007001.

As to claims 52 and 53 the combined system of Park, Lo, and Harris fail to disclose generating management instructions to adjust the distributed electronic devices

Art Unit: 2421

based on a change in at least one of an input video signal and audio signal received by one of the distributed electronic devices.

However, in an analogous art, Zimmerman discloses automatically adjusting the settings of distributed electronic devices based on a change in an audio or video input signal received by the distributed electronic devices ([0026]-[0029] – the settings of display and audio devices are adjusted based on the type of signal (programming) received. This is performed when a new programming type is encountered, which is a change in an input signal. These settings are adjusted by control unit 100 (i.e. by a set top box) and are translated into management instructions that depend on the type and manufacturer of the output devices (see [0029])).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the combined system of Park, Lo and Harris with the teachings of Zimmerman, the rationale being to provide viewers with an optimal viewing experience without requiring constant manual adjustment of settings (see Zimmerman [0010]-[0014])

Conclusion

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

Art Unit: 2421

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ROBERT HANCE whose telephone number is (571)270-5319. The examiner can normally be reached on M-F 8:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John W. Miller can be reached on (571) 272-7353. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2421

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/John W. Miller/
Supervisory Patent Examiner, Art Unit 2421

ROBERT HANCE
Examiner
Art Unit 2421

/ROBERT HANCE/
Examiner, Art Unit 2421